

REMARKS

The present Amendment and Response is believed to be fully responsive to the Final Office Action mailed July 16, 2008. The Amendment and Response is submitted concurrently with a Request for Continued Examination (RCE) and the appropriate fee. After entry of the foregoing Amendment, Claims 126-161 remain pending. By this Amendment, independent Claims 126 and 144, and dependent Claims 143 and 161 have been amended. Claims 1-125 were previously cancelled without prejudice or disclaimer by prior response. It is respectfully submitted that no new matter has been added by the foregoing amendments. In view of the amendments and remarks, it is respectfully asserted that the rejections are now made moot and that the pending claims are in condition for allowance.

Attorney for the Assignee would like to thank the Examiner for the telephonic Examiner's Interview that was conducted on October 14, 2008. During the Interview, an agreement was reached that a "pull" method of obtaining billing information based on a received request for the billing information is not anticipated by the "push" method discussed in U.S. Patent No. 5,699,528 to Hogan (hereinafter "*Hogan*"). In embodiments of the claimed invention, a bill presentment service provider may receive a request for billing information from a first network entity, for example, a consumer that is registered or enrolled with the bill presentment service provider. Responsive to the received request, the bill presentment service provider may access a second network entity, for example, a biller, to obtain at least a portion of the requested billing data. In other words, the bill presentment service provider may "pull" the billing data in response to a request for the billing information. It was agreed that this "pull" method is distinct from the "push" method of *Hogan* in which billers periodically provide billing information to a bill aggregator that can be presented to a consumer.

An agreement was also reached during the Interview that amending the independent claims to clarify that billing information is obtained or accessed "via a network" responsive to a request for the billing information received "via the network" would be likely to differentiate the claimed inventions from *Hogan*. It is respectfully submitted that independent Claims 126 and 144 have been amended as agreed upon in the Interview. Accordingly, it is respectfully asserted

that amended independent Claims 126 and 144 are allowable over *Hogan*, and therefore, in condition for allowance.

Claim Rejections Under 35 USC §§ 102 and 103

In the Office Action, Claims 126-135, 143-153, and 161 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,699,528 to Hogan (hereinafter “*Hogan*”). Additionally, Claims 136-142 and 154-160 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hogan* in view of Official Notice taken by the Examiner.

By the present amendment, independent Claims 126 and 144 have been amended to clarify the claimed invention of independent Claims 126 and 144. Specifically, independent Claim 126 has been amended to recite “receiving, from a first network entity via a network, a request for bill data available for presentment, wherein the request is received subsequent to and responsive to a transmission, to the first network entity, of a notice of availability of the bill data” and “responsive to receiving the request for bill data, accessing via the network, a second network entity for at least a portion of the bill data” (Underlining supplied). Independent Claim 144 has been amended in a similar manner. Support for these amendments can be found throughout the Specification of the present application. For example, Figures 4, 12, and 13C and their associated text clearly provide support for these amendments.

As discussed and agreed upon during the telephonic Examiner’s Interview, it is respectfully asserted that *Hogan* fails to disclose, teach, or suggest each and every element of amended independent Claims 126 and 144. Specifically, *Hogan* fails to teach or suggest receiving a request for bill data from a first network entity via a network and accessing, via the network, a second network entity associated with a biller for at least a portion of the bill data in response to receiving the request for bill data. In marked contrast, *Hogan* relates to a system in which bills are received at the bill capture device 150 from billers prior to receiving a request for billing data (See *Hogan* at col. 4, line 53 – col. 5, line 2). The bill capture device 150 of *Hogan* receives bills from multiple billers and processes the bills to extract the billing data (See *Hogan* at col. 4, lines 53-67). The billing data is then transmitted to the service computer 160 and subscribers are able to access and browse their bills (See *Hogan* at col. 5, lines 1-3).

Accordingly, *Hogan* does not teach or suggest accessing, via a network, a network entity associated with a billing entity in response to receiving a request for bill data, as recited by the amended independent claims.

In fact, as discussed in the Interview, the system of *Hogan* appears to be a system in which bills are proactively and periodically “pushed” from a biller to an electronic bill service company (EBSC) rather than a system in which billing information may be accessed or “pulled” in response to a received request. In *Hogan*, when a user registers for bill payment services, a service starting date must be a least a predetermined period from the present to allow the EBSC to arrange with the selected payees to make the transition to sending the bill information to the bill capture device (See *Hogan* at col. 5, lines 37-40). As soon as the bill information concerning the subscriber is received, the bill capture device 150 processes the information and transmits billing data to the server computer for access by the subscriber (See *Hogan* at col. 5, lines 53-57). Thus, when the subscriber requests bill data, the requested data will be located at the server computer 160 for access by the subscriber. There is no need to access a second network device associated with a biller for the requested bill data in response to the received request and indeed, there is no teaching or suggestion of doing so. Accordingly, *Hogan* does not teach or suggest accessing via a network, a second network entity associated with a biller for at least a portion of the bill data in response to receiving a request for the bill data, as recited by the amended independent claims.

For at least these reasons, it is respectfully submitted that amended independent Claims 126 and 144 are patentable over the cited art of record and in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 127-143 and 145-161, which depend from amended independent Claims 126 and 144 respectively, are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

CONCLUSION

It is believed that each matter raised by the Final Office Action has been responded to. Allowance of the claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8037. It is not believed that any fees for extensions of time or addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Rhett S. White
Reg. No. 59,158

Date: **October 16, 2008**

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, GA 30309-3996
404.853.8037
404.853.8806 (fax)
Attorney Docket No.: 23952-0018